

REMARKS

The Office Action mailed July 16, 2010 (hereinafter, "Office Action") has been reviewed and the Examiner's comments considered. Claims 1-43 are pending in this application. Claims 27-43 are withdrawn from further consideration as being drawn to a non-elected species. Claims 1, 16, and 23 are amended herein, and new claim 44 is added, support for which can be found in the originally filed application at, for example, p. 17 and FIG. 2B. Applicants submit that no new matter is introduced.

Information Disclosure Statement

The IDS filed January 27, 2010, with respect to reference DE 19936059, is found to fail to comply with 37 CFR § 1.98(a)(3) because it does not include a concise explanation of the relevance thereof. Please find submitted herewith an English language translation of the Abstract of DE 19936059 as provided by ESpaceNet. According to MPEP § 609.04(a), the requirement for a concise statement of relevance for a non-English language reference may be fulfilled by an English language abstract. Applicants additionally submit a computer generated translation of the claims and description as provided through ESpaceNet. Accordingly, Applicants respectfully request consideration of the cited reference and indication to that effect in the next Office Action by the Examiner.

Claim Objections

Claims 3, 4, 16, and 23 stand objected to because of minor informalities. Claims 3 and 4 refer to a "sleeve" but claim 1 recites a "sleeve-shaped means." Claim 1 is amended herein to change "sleeve-shaped means" to "sleeve." Claim 16 recites both "guider tube" and "guide tube." Claim 16 is amended herein to change "guide tube" to "guider tube" to maintain consistency with the specification. Claim 23 refers to the "proximal exit port," which the Examiner implies is missing from claim 1. However, claim 1 clearly recites "said inwardly tapering portion defining a proximal guidewire lumen exit port." Nevertheless, claim 23 is amended herein to specify that the

proximal exit port is the proximal guidewire lumen exit port. Accordingly, in view of the above, Applicants respectfully request withdrawal of the claim objections.

Claim Rejections – 35 U.S.C. § 103

Claims 1-9, 11, 12, and 15-26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US 2003/0109886 to Keegan et al. (“Keegan”) in view of USPN 6,663,614 to Carter (“Carter”). Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Keegan and Carter in view of USPN 6,945,989 to Betelia et al. (“Betelia”). Claims 13-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Keegan and Carter in view of USPN 5,603,698 to Roberts et al. (“Roberts”). Applicants respectfully traverse these rejections.

In the Response to Arguments section of the Office Action, the Examiner finds that the Keegan junction piece is considered to be an integral part of the catheter body even though Keegan specifies that the junction piece is formed from a different material in order to permit for differing objectives, as argued in the Response filed on June 18, 2010. Without conceding this point, in the interest of compact prosecution, Applicants present amendments herein to independent claim 1 to further distinguish the asserted combination of Keegan/Carter. In particular, although it is clear from the original claim that the tubular means lying to one side of the primary shaft distinguishes Keegan, which shows the inner core 5 to be distal of the distal end of the catheter body 2, claim 1 is amended to recite that the guidewire lumen has a length that longitudinally overlaps a length of the primary shaft.

Accordingly, Applicants respectfully submit that independent claim 1, and claims 2-9, 11, 12, and 15-26 depending therefrom, are patentable over the asserted combination of Keegan/Carter, and request reconsideration and withdrawal of the rejection under 35 U.S.C. § 103.

With respect to dependent claims 10 and 13-24, without conceding the propriety of the asserted combinations, or the allegations in the Office Action, Applicants submit that each depends from patentable independent claim 1, in view of the above, and is therefore patentable. Thus,

Applicants respectfully request favorable reconsideration and withdrawal of these rejections under 35 U.S.C. § 103.

Conclusion

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejections of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

It is noted that the remarks herein do not constitute, nor are they intended to be, an exhaustive enumeration of the distinctions between the cited references and the claimed invention. Rather, the distinctions identified and discussed herein are presented solely by way of example. Consistent with the foregoing, the discussion herein should not be construed to prejudice or foreclose future consideration by Applicant of additional or alternative distinctions between the claims of the present application and the references cited by the Examiner and/or the merits of additional or alternative arguments.

Submitted herewith is the fee associated with the newly added claim 44, in the amount of \$52. If further fees are due, please charge our Deposit Account No. 50-2191, under Order No. 101671.0057P from which the undersigned is authorized to draw.

Dated: September 15, 2010

Respectfully submitted,

Electronic signature: /Todd W. Wight/
Todd W. Wight
Registration No.: 45,218
RUTAN & TUCKER LLP
611 Anton Boulevard, Suite 1400
Costa Mesa, California 92626
(714) 641-5100
Patents@Rutan.com